

Report Date: February 15, 2017

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Feb 15, 2017**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Mitchell Douglas Gilbreth Case Number: 0980 2:08CR00110-EFS-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: February 5, 2009

Original Offense: Receipt of Child Pornography, 18 U.S.C. § 2252A(a)(2)(A)

Original Sentence: Prison - 60 months Type of Supervision: Supervised Release  
TSR - 60 months

Asst. U.S. Attorney: Stephanie J. Lister Date Supervision Commenced: July 12, 2013

Defense Attorney: John Stephen Roberts, Jr Date Supervision Expires: July 11, 2018

**PETITIONING THE COURT****To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Mandatory Condition # 5:</u></b> The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.</p> <p><b><u>Supporting Evidence:</u></b> Mitchell Gilbreth violated the conditions of his supervised release in Spokane, Washington, by possessing a firearm at his place of employment on or about February 12, 2017. On February 14, 2017, Mr. Gilbreth participated in a scheduled polygraph exam in which he revealed that a co-worker placed a firearm in his hand while they were at their place of employment. In elaborating, Mr. Gilbreth stated that the co-worker handed the firearm to him, and he held the firearm for a second before handing the firearm back to the co-worker.</p>
2	<p><b><u>Mandatory Condition # 4:</u></b> The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.</p> <p><b><u>Supporting Evidence:</u></b> Mitchell Gilbreth violated the conditions of his supervised release in Spokane, Washington, by consuming marijuana on or about November 24, 2016. On February 14, 2017, Mr. Gilbreth participated in a scheduled polygraph exam in which he revealed that he consumed marijuana on one occasion during the Thanksgiving holiday in 2016.</p>

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- 3            **Special Condition # 18:** Defendant shall not reside or loiter within 1,000 feet of places where children under the age of 18 congregate, which includes primary and secondary schools, schoolyards, parks, playgrounds, shopping malls, daycare centers, carnivals, recreation centers, and arcades.

**Supporting Evidence:** Mitchell Gilbreth violated the conditions of his supervised release in Spokane, Washington, by frequenting River Park Square Mall on multiple occasions during the summer and fall of 2016. On February 3, 2017, the undersigned officer met with Mr. Gilbreth at the U.S. Probation Office and reviewed some of his conditions of supervision with him. When asked if he had violated special condition number 18, Mr. Gilbreth denied frequenting any of the noted locations under the condition. On February 8, 2017, Mr. Gilbreth delivered a letter to the U.S. Probation Office disclosing he actually had gone to the mall on at least six separate occasions.

- 4            **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

**Supporting Evidence:** Mitchell Gilbreth violated conditions of his supervised release in Spokane, Washington, by failing to answer truthfully a question posed by the undersigned officer. On February 3, 2017, the undersigned officer met with Mr. Gilbreth at the U.S. Probation Office and reviewed some of his conditions of supervision with him. Specifically, Mr. Gilbreth was asked if he had violated special condition number 18 by frequenting locations he is prohibited from pursuant to the Court's order. At that time, he failed to acknowledge he frequently traveled to and from River Park Square Mall during supervision.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 02/15/2017

s/Tommy Rosser

Tommy Rosser

Supervisory U.S. Probation Officer

#### THE COURT ORDERS

- ☐ No Action  
☐ The Issuance of a Warrant  
☒ The Issuance of a Summons  
☐ Other



Signature of Judicial Officer

February 15, 2017

Date